

## **REMARKS/ARGUMENTS**

The Office Action of November 3, 2004, has been carefully considered.

It is noted that claims 8-20 and 22 are objected to for containing various informalities.

Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein.

Claims 11, 12 and 15 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein, and further in view of Lane.

Claims 9, 12-17 and 19 are rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein, and further in view of Loiodice.

Claim 22 is rejected under 35 U.S.C. §103(a) over Yoshikawa in view of Hein, and further in view of Ito.

In view of the Examiner's objections to and rejections of the claims, applicants have canceled claims 9 and 20, and amended independent claim 8.

With the amendment to claim 8, it is respectfully submitted that the objection to claims 8-20 and 22 as containing informalities is overcome and should be withdrawn.

The "guide elements" recited in amended claim 8 refer to the "upper guide elements 30" shown in Figs. 1 and 5. The features added to independent claim 8 come from claims 9 and 20 as well as Figs. 1 and 3, page 2, lines 15-17, page 3, lines 20-35 and page 4, lines 1-2 and 20-22.

According to Fig. 1 of the present application, dashed outline 11 shows the cage 1 at the position of the uppermost story 10. If the cage 1 is in that position, the upper guide elements 30 are located above the engine mount 6. Therefore, the guide elements are movable along the first parallel guides above and below the engine mount when the car moves. It is further noted that, according to Figs. 3 and 5, the second guides 20 for guiding the counterweight 34 abut at the underside of the engine mount. Thus, a vertical movement of the counterweight is restricted to a path below the engine mount.

A cable elevator in accordance with amended claim 8 has the following advantageous properties. First, since the guide elements can be moved to a position above the engine mount, the cage can be moved to a position close to the upper end of the elevator shaft (by using space available beside the drive engine). Thus, the height of the elevator shaft can be reduced. Second,

the cage can be supported by the upper guide elements being arranged at the upper end of the cage (guide elements 30) and the lower guide elements being arranged at the lower end of the cage (guide elements 29). Thus, the vertical distance between the upper guide elements and the lower guide elements can be quite long, thereby leading to a low loading of the guide elements. Furthermore, the cage is less susceptible to vibrations being induced during travel of the cage along the first parallel guides (improved ride quality). Third, since a vertical movement of the counterweight is restricted to a path below the engine mount, the cross-sectional area of the elevator shaft can be small.

Accordingly, it is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, it can be seen that Yoshikawa discloses first parallel guides which engage with an elevator cage, second parallel guides which engage with a counterweight, an engine mount fastened on top of the first and second guides, a drive on top of the first and second guides, and a drive engine arranged on the engine mount. The first guides are arranged in a first vertical plane and the second parallel guides are separate from the first parallel guides and arranged in a second vertical plane parallel to and spaced from the first vertical plane. The first guides, the second guides, the engine mount and the drive engine are arranged in an elevator shaft. The engine mount is arranged such that a vertical movement of the counterweight is restricted to a path below the engine mount. However, Yoshikawa does not show that: a) the first and second guides are discontinuously connected; b) the first guides are connected to and extend upwardly beyond the engine mount; and c) the elevator has a pair of guide elements fixed to the cage and engaged to the first parallel guides so that the guide elements are moveable along the first parallel guides above and below the engine mount, as in the presently claimed invention.

The patent to Hein does not show an engine mount fastened to the first guides and the second guides.

The Examiner combined these references in determining that claims 8, 10, 18 and 20 would be unpatentable over such combination. Applicants respectfully submit that the

combination of references relied upon by the Examiner does not teach the features presently found in amended claim 8 and as discussed above.

In view of these considerations, it is respectfully submitted that the rejection of claims 8, 10, 18 and 20 under 35 U.S.C. §103(a) or a combination of the above discussed references is overcome and should be withdrawn.

The patent to Lane does not disclose or teach guide elements fixed at a cage and movable above and below an engine mount in combination with the counterweight whose vertical movement is restricted to a path below the engine mount. The Examiner combined Lane with Yoshikawa and Hein in determining that claims 11, 12 and 15 would be unpatentable over such combination. Applicants respectfully submit that Lane adds nothing to the combination of Yoshikawa and Hein so as to result in a cable elevator as recited in the independent claim presently on file. Thus, it is respectfully submitted that the rejection of claims 11, 12 and 15 under 35 U.S.C. §103(a) over a combination of the above discussed references is overcome and should be withdrawn.

The reference to Loiodice shows first guides 14 and second guides 16 that are arranged on a single plane (see claim 1 and Fig. 2 of Loiodice). An engine mount (shelf 62) is fixed to the guides and arranged in an engine room 50 which is placed in a side position, i.e., beside the first and second guides (see Fig. 4, claim 2 and column 5, lines 33-38 of Loiodice). Thus, the engine mount and the engine are not arranged in the elevator shaft 40. The engine mount may be placed at any level with respect to the elevator runway (see claim 3 and Fig. 4 of Loiodice). Thus, if the machine room is arranged below the upper end of the first guides 14 and the second guides 16, guide elements fixed at the cage 12 and engaged with the first guides 14 are removable above and below the engine mount. However, this is only possible if the counterweight 20 is also movable above and below the engine mount (shelf 62) since the first guides and the second guides are coplanar and the engine mount is arranged on one end side of the guides. Thus, in accordance with Loiodice, the guide elements fixed at the cage 12 are only movable above and below the engine mount on the condition that a vertical movement of the counterweight does not restrict it to a path below the engine mount, which is contrary to the presently claimed invention.

The Examiner combines Loiodice with Yoshikawa and Hein in determining that claims 9, 12-17 and 19 would be unpatentable over such combination. Applicants respectfully submit that

the combination of these three references does not teach the features recited in amended independent claim 8 presently on file and as discussed above. Thus, it is respectfully submitted that the rejection of claims 9, 12-17 and 19 under 35 U.S.C. §103(a) over a combination of the above discussed references is overcome and should be withdrawn.

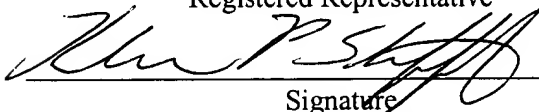
The Ito reference does not show guide elements fixed at a cage and movable above and below an engine mount in combination with the counterweight whose vertical movement is restricted to a path below the engine mount. The Examiner combined Ito with Hein and Yoshikawa in determining that claim 22 is unpatentable over such combination. Applicants respectfully submit that the combination of references relied upon by the Examiner does not teach the features contained in amended independent claim 8 presently on file. Thus, it is respectfully submitted that the rejection of claim 22 under 35 U.S.C. §103(a) over the combination of references relied upon by the Examiner is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on February 3, 2005:

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Signature

February 3, 2005

Date of Signature

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Respectfully submitted,



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